

201 nor 211C3 may be applied for due to interference with television Channel 6 in violation of *Section 73.525* of the Commission's Rules and Regulations.

#### **CHANNEL 256C3 ALTERNATIVE ALLOTMENT FOR THE DALLES**

Madgekal provides an allocation study, *Exhibit 4*, and coverage map, *Exhibit 11*, to support its proposition that Channel 256C3 may also be allotted to The Dalles from a site known as Haystack Butte, N.L. 45° 41' 01" W.L. 120° 57' 17". A review of the proposal shows compliance with FCC Rule *Section 73.207*. The proposed site coordinates are located 19.7 km from The Dalles city reference coordinates at a bearing of 240°, which complies with the Channel C3 70 dBu distance of 23.2 kilometers. As Madgekal states, there is good line-of-sight to much, but not all, of The Dalles.

However, the public interest is not fully served by allocating Channel 256C3 to The Dalles because Channel 268C3 is a more effective use of the spectrum. *Figures 7-9* are the 70 dB and 60 dBu contours for the Channel 256C3 proposal and for the two Channel 268C3 allotment sites. Computations of area and population have been made and dictate that Channel 268C3 is the preferred allotment channel as seen below.

<u>Figure</u>	<u>Site</u>	<u>60 dBu Contour</u>	
		<u>Area - Sq. kM</u>	<u>Population - Persons</u>
7	256C3	1,580	29,319
8	268C3 - 1996	2,057	49,707
9	268C3 - 1998	2,046	48,075

#### **CONCLUSION**

Based on the analysis herein, the following facts are believed to be true:

- 1) Channel 268C3 was allotted to The Dalles, and Longley-Rice studies included herein confirm that The Dalles will be served with a signal level of 70 dBu, or greater, for both the 1998 allotment coordinates and the earlier 1996 allotment coordinates.

- 2) Madgekal has offered four NCE FM channels as being available for use at The Dalles. Based on studies herein, two of the channels violate *Section 73.509* of the Rules and the remaining two channels violate *Section 73.525* of the Rules. Based on these rule violations, it is concluded that LifeTalk's original assertion that no C3 channels are available in the non-commercial band was correct.
- 3) Channel 256C3 may be allotted to The Dalles but, based on the data provided by Madgekal, that allotment would serve approximately 470 square km less land area and approximately 19,000 fewer persons than Channel 268C3.

It should also be noted that the allotment of Channel 268C3 at The Dalles, at the 1998 reference coordinates, meets *Section 73.207* distance separation standards to KFLY as a full C1 facility.

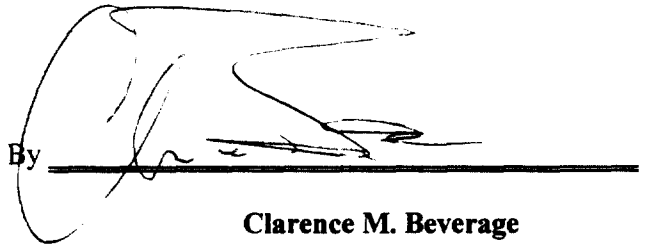
KFLY's upgrade options are summarized below in terms of area and population:

<u>Facility</u>	60 dBu	
	<u>Area - Sq. Km</u>	<u>Population - Persons</u>
268C2 License	8,410	438,351
268C1	16,680	737,596
268C	17,900	764,320

The additional 26,724 persons gain associated with a KFLY upgrade from Class C1 to Class C operation appears minimal in comparison to the 299,245 person gain available to KFLY at this time by upgrading from Class C2 to Class C1 facilities.

The foregoing was prepared on behalf of **CBS Radio License, Inc.** by Clarence M. Beverage of *Communications Technologies, Inc.*, Marlton, New Jersey, whose qualifications are a matter of record with the Federal Communications Commission. The statements herein are true and correct of his own knowledge, except such statements made on information and belief, and as to these statements he believes them to be true and correct.

By



**Clarence M. Beverage**  
for Communications Technologies, Inc.  
Marlton, New Jersey

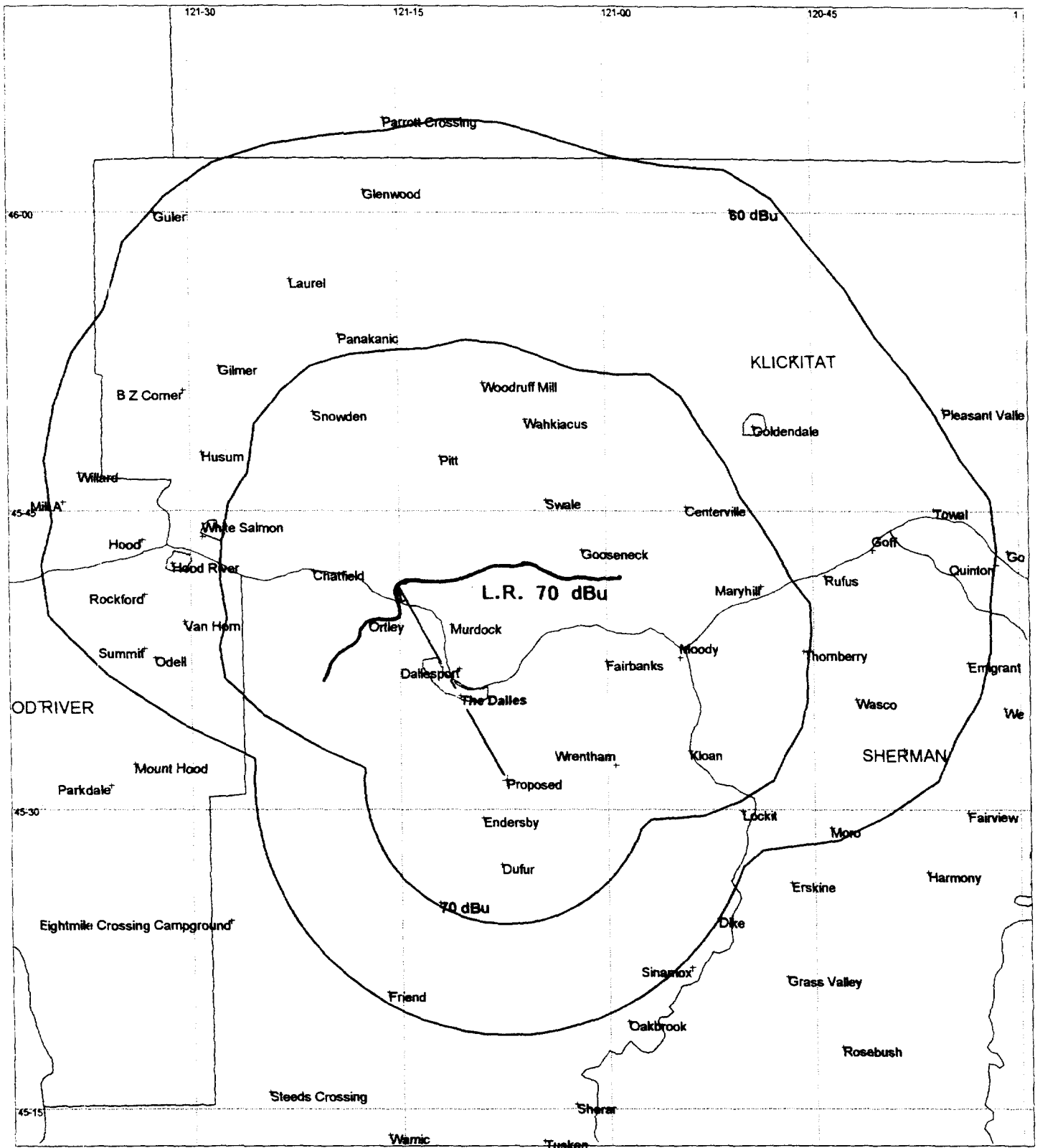
**SUBSCRIBED AND SWORN TO** before me,

this 26<sup>th</sup> day of June, 1998,

Esther G. Sperbeck, NOTARY PUBLIC

**ESTHER G. SPERBECK**  
**NOTARY PUBLIC OF NEW JERSEY**  
**MY COMMISSION EXPIRES OCT. 15, 2002**

FIGURE 1 CH 268C3 FEB. 1996 REF. COORD. 25 KW & 100 M

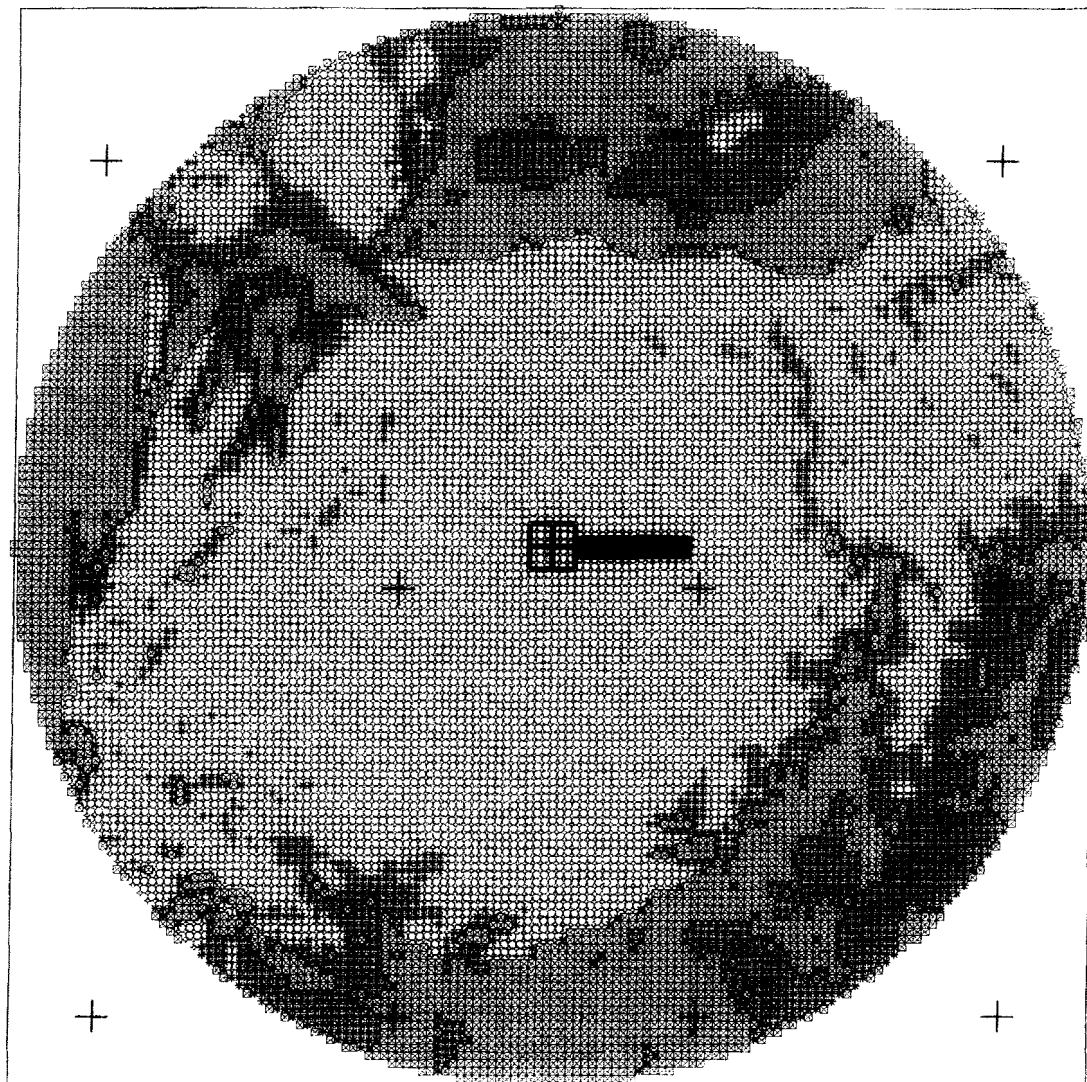


Communications Technologies, Inc. Marlton, NJ June 1998

Scale 1:500000

— FM Service — FM City Grade — County Borders — State Borders — Lat-Lon Grids — City Borders

25 Km



SHDMAP™: 1996.map

Prop. model: Longley-Rice v1.2.2  
 Time: 50.0% Loc.: 50.0%  
 Prediction Confidence Margin: 0.0dB  
 Climate: Continental Temperate  
 Groundcover: None  
 Atmospheric Abs.: none  
 K Factor: 1.333  
 RX Antenna - Type: OMNI  
 Height: 9.1 m AGL Gain: 0.00 dBd  
 Field strength at remote

+ > 70.0 dBuV/m  
 \* 60.0 to 70.0 dBuV/m  
 - < 60.0 dBuV/m

Minimum receiver threshold level: -200.0 dBmW

Site	Ant. Elev. AMSL (m)	ERPd (dBW)	Ant. Type/Orient.	Coordinates
1996PROP*	491.6	43.98	Omni-H	N45°31'28.00"
group:	1 101.5000	MHz		W121°07'22.00"



CH 268C3 FEB. 1996 REF. COOR

Communications Technologies, Inc.

FIGURE 1 PAGE 2 JUNE 1998

Scale 1:500000

— **FM Service**

— **FM City Grade**

— *County Borders*

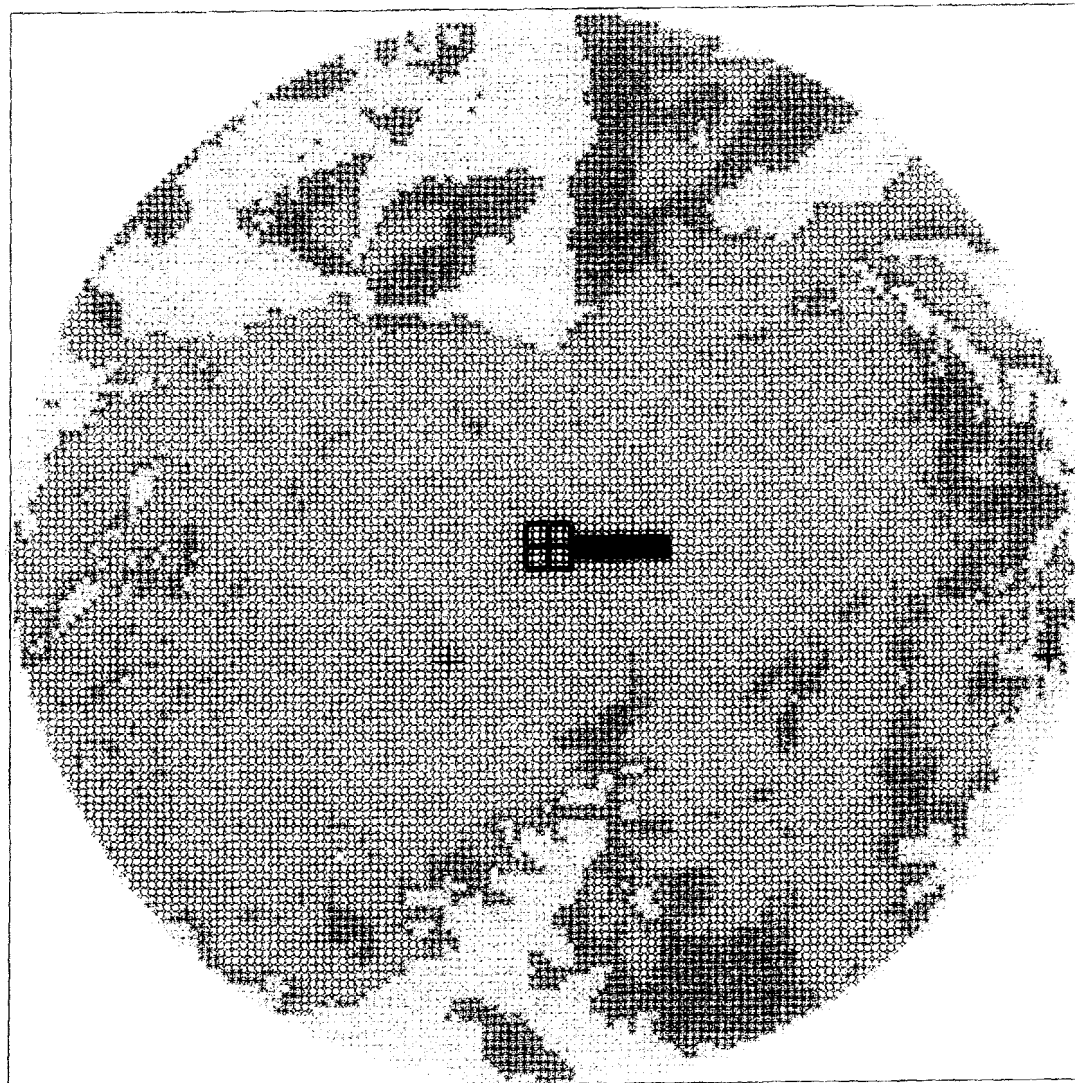
— State Borders

## ..... Lat-Lon Grids

--- City Borders




25 Km





SHDMAP™: 1998.map

Prop. model: Longley-Rice v1.2.2  
 Time: 50.0% Loc.: 50.0%  
 Prediction Confidence Margin: 0.0dB  
 Climate: Continental Temperate  
 Groundcover: None  
 Atmospheric Abs.: none  
 K Factor: 1.333  
 RX Antenna - Type: OMNI  
 Height: 9.1 m AGL Gain: 0.00 dBd  
 Field strength at remote

 > 70.0 dBuV/m  
 60.0 to 70.0 dBuV/m  
 < 60.0 dBuV/m

Minimum receiver threshold level: -200.0 dBmW

Site	Ant. Elev.	ERPd	Ant. Type	Coordinates
	AMSL (m)	(dBW)/Orient.		
Proposed*	475.0	43.98	Omni-V	N45°34'00.01"
group:	1101.5000	MHz		W120°55'00.00"



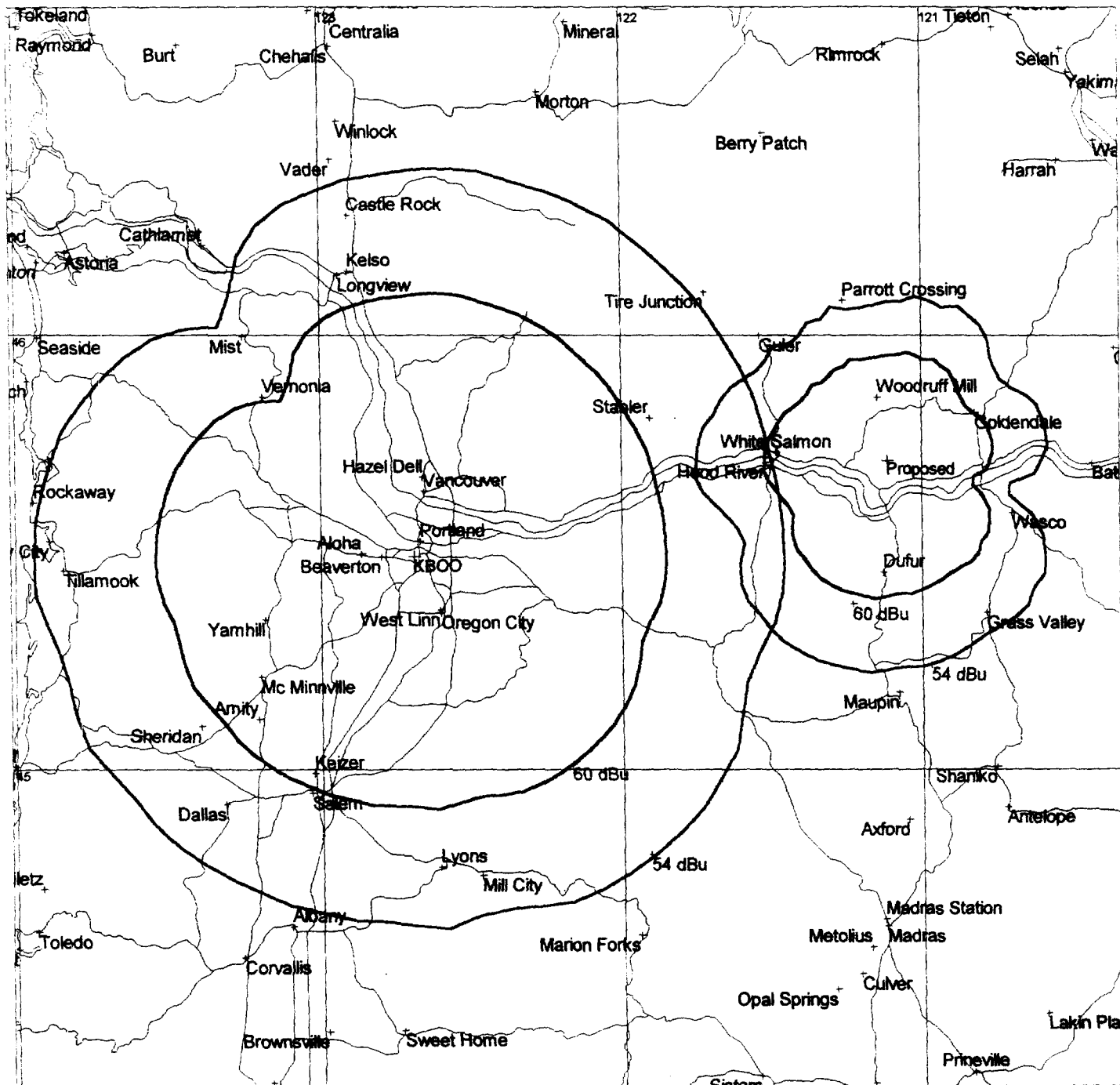
CH 268C3 April 1998 Ref. Coord.

Communications Technologies, Inc.

FIGURE 2 PAGE 2

JUNE 1998

# Channel 213 C3 Allocation - The Dalles, Oregon



**Figure 3**

Communications Technologies, Inc. Marlton, NJ 08053 May 1998

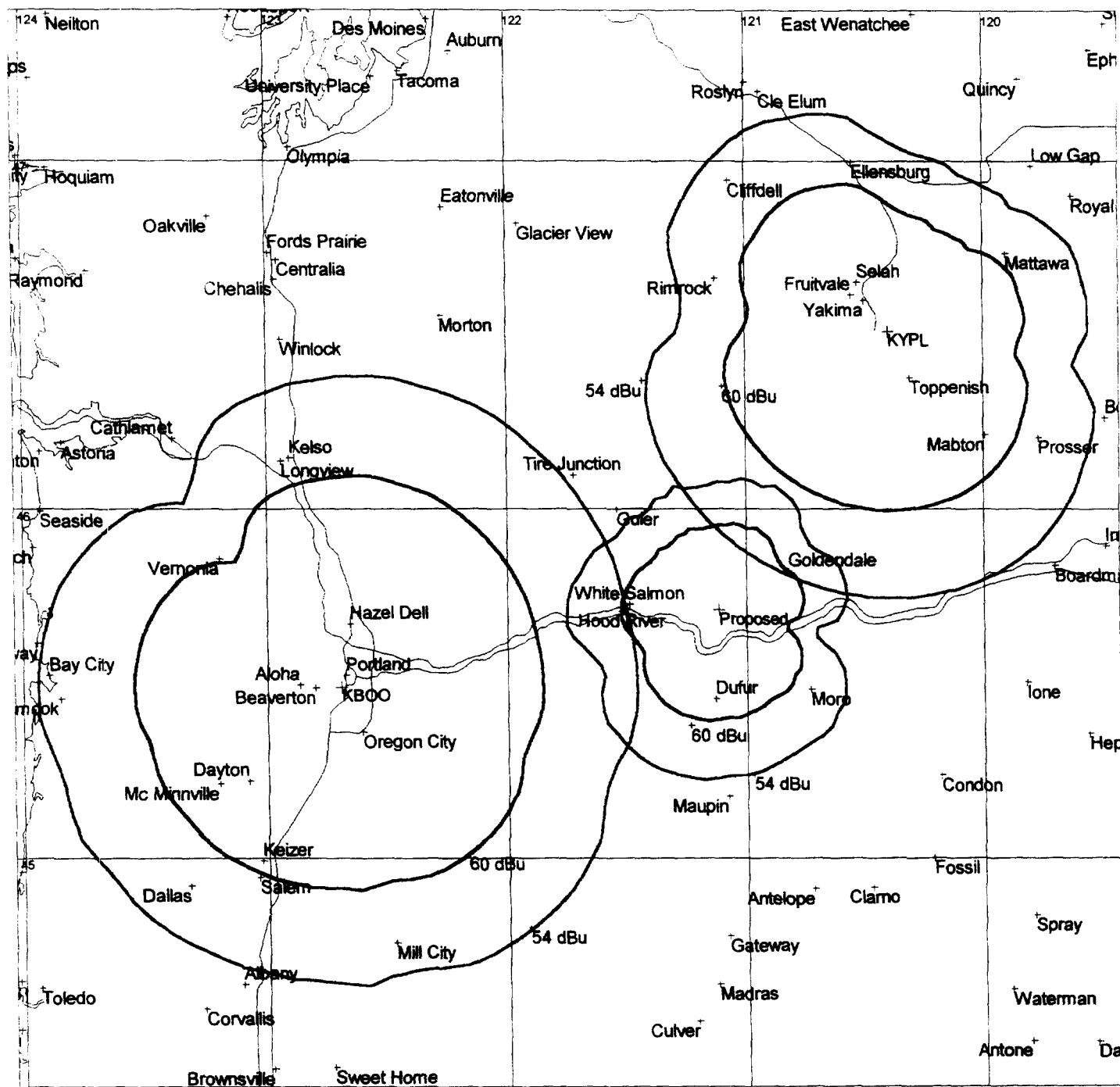
Scale 1:1500000

50 Km

--- FM Service    — FM Interfering    — Highways    — State Borders    - - Lat-Lon Grids



## Channel 215 C3 Allocation - The Dalles, Oregon



**Figure 4**

Communications Technologies, Inc. Marlton, NJ 08053 May 1998

Scale 1:1900000

50 Km

— FM Service

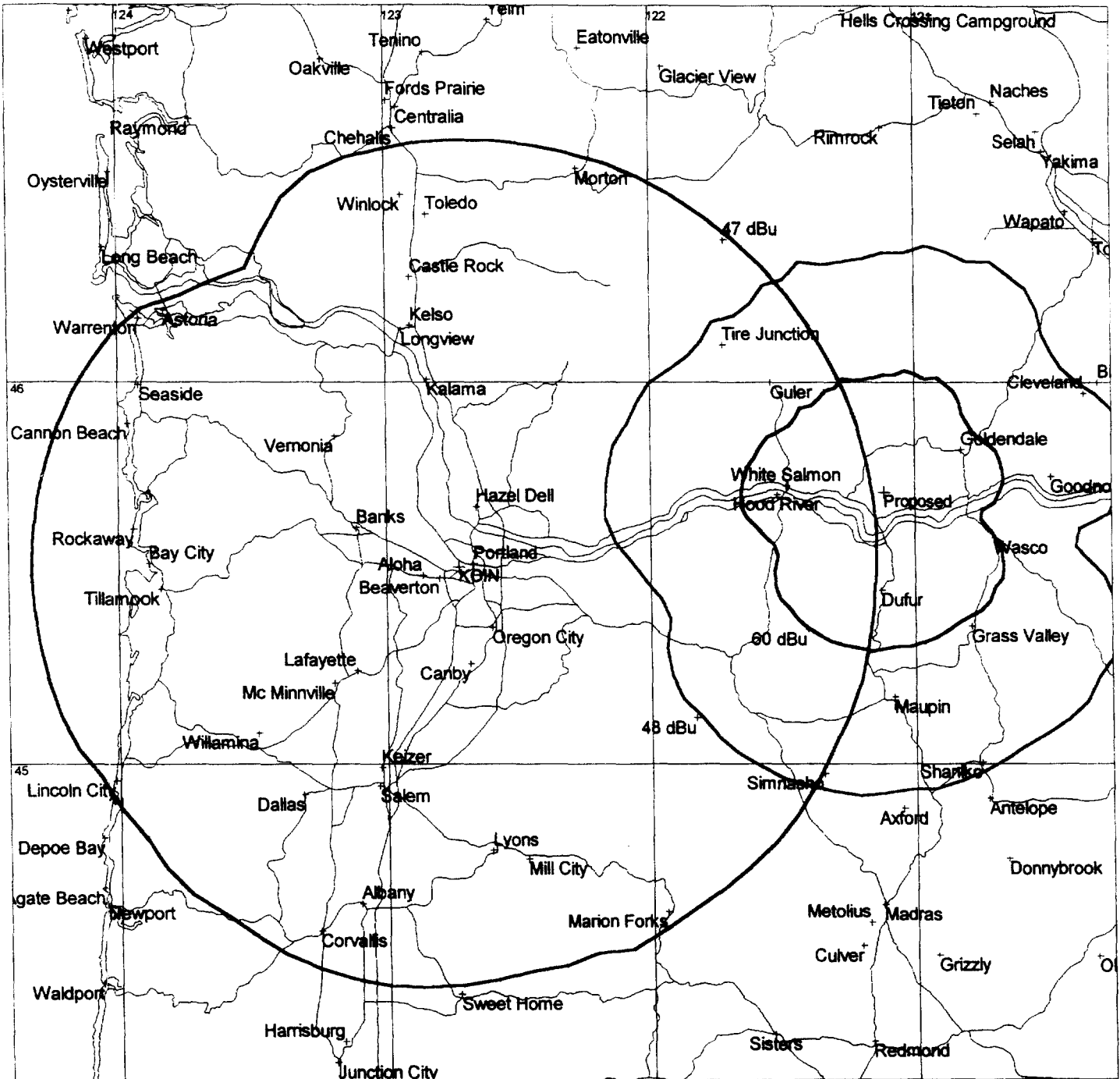
— FM Interfering

— Highways

— State Borders

- - Lat-Lon Grids

# KOIN 47 dBu and CH 201 48 dBu Interference Contour



**Figure 5**

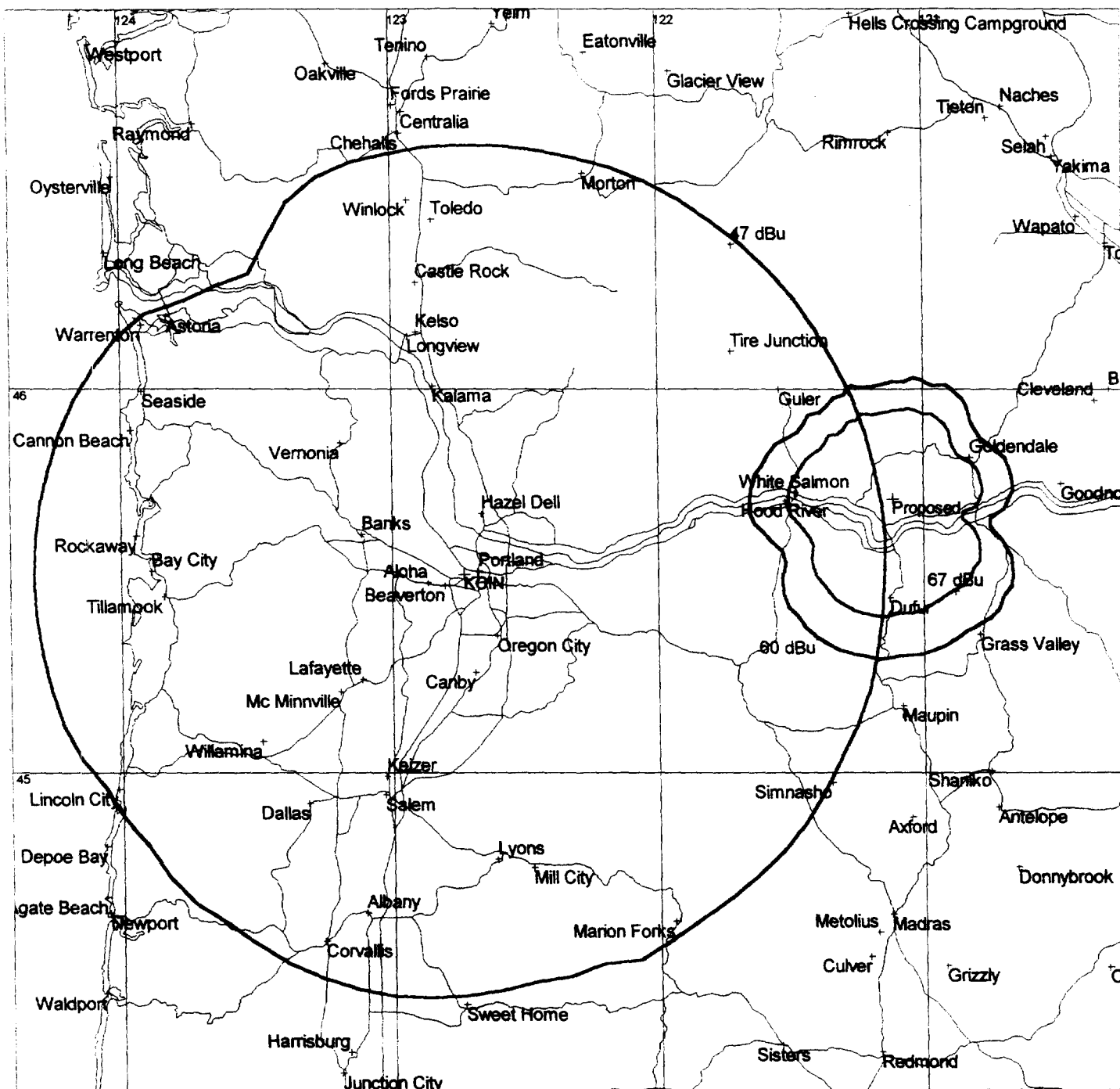
Communications Technologies, Inc. Marlton, NJ 08053 May 1998

Scale 1:1700000

50 Km

— FM Service — FM Interfering — TV Grade 'A' — Highways — State Borders - - Lat-Lon Grids

# KOIN 47 dBu and CH 211 67 dBu Interference Contour



**Figure 6**

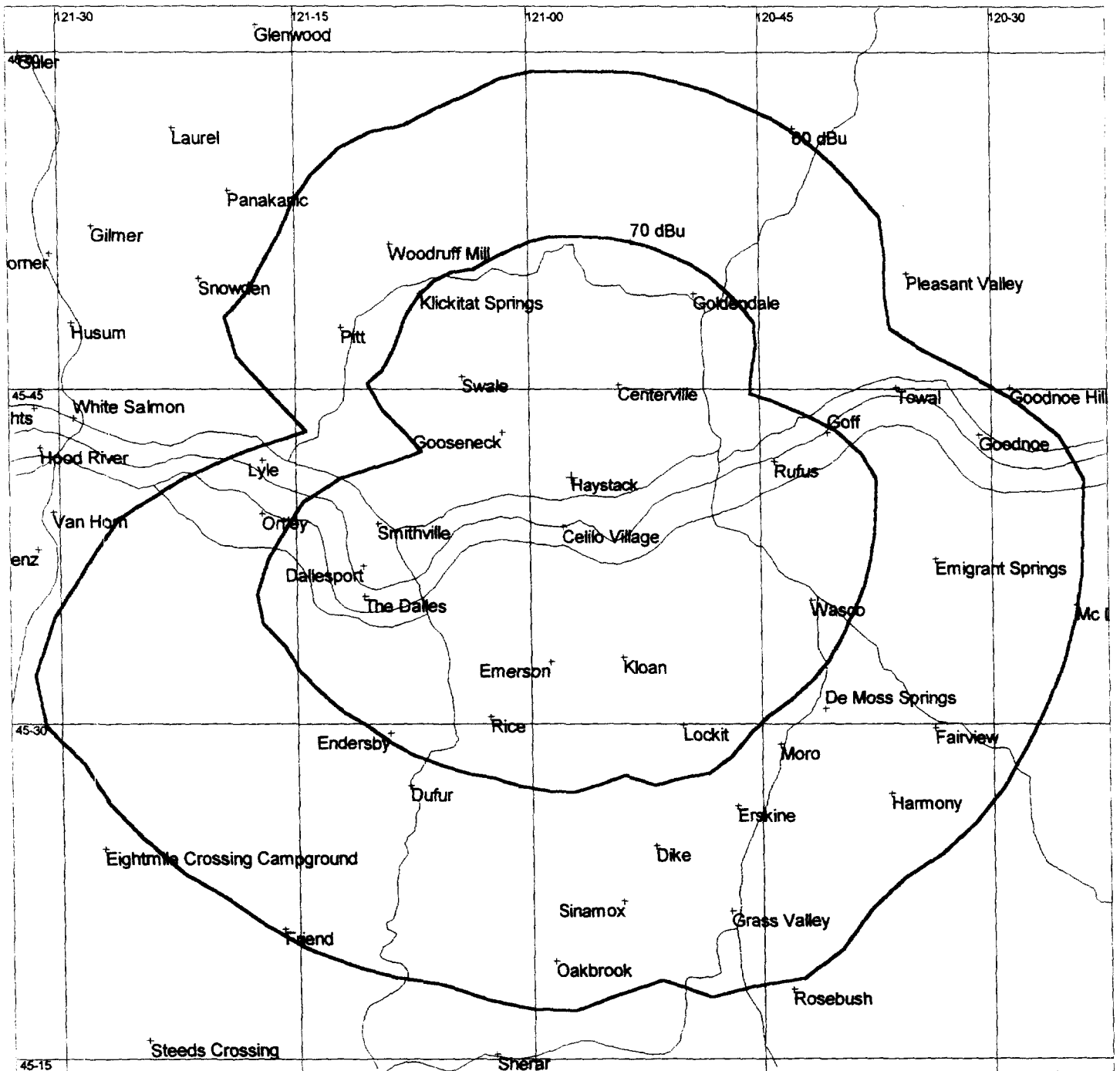
Communications Technologies, Inc. Marlton, NJ 08053 May 1998

Scale 1:1700000

50 Km

— FM Service — FM Interfering — TV Grade 'A' — Highways — State Borders - - - Lat-Lon Grids

# **FCC F(50,50) 70 and 60 dBu - Haystack CH 256C3**



**Figure 7**

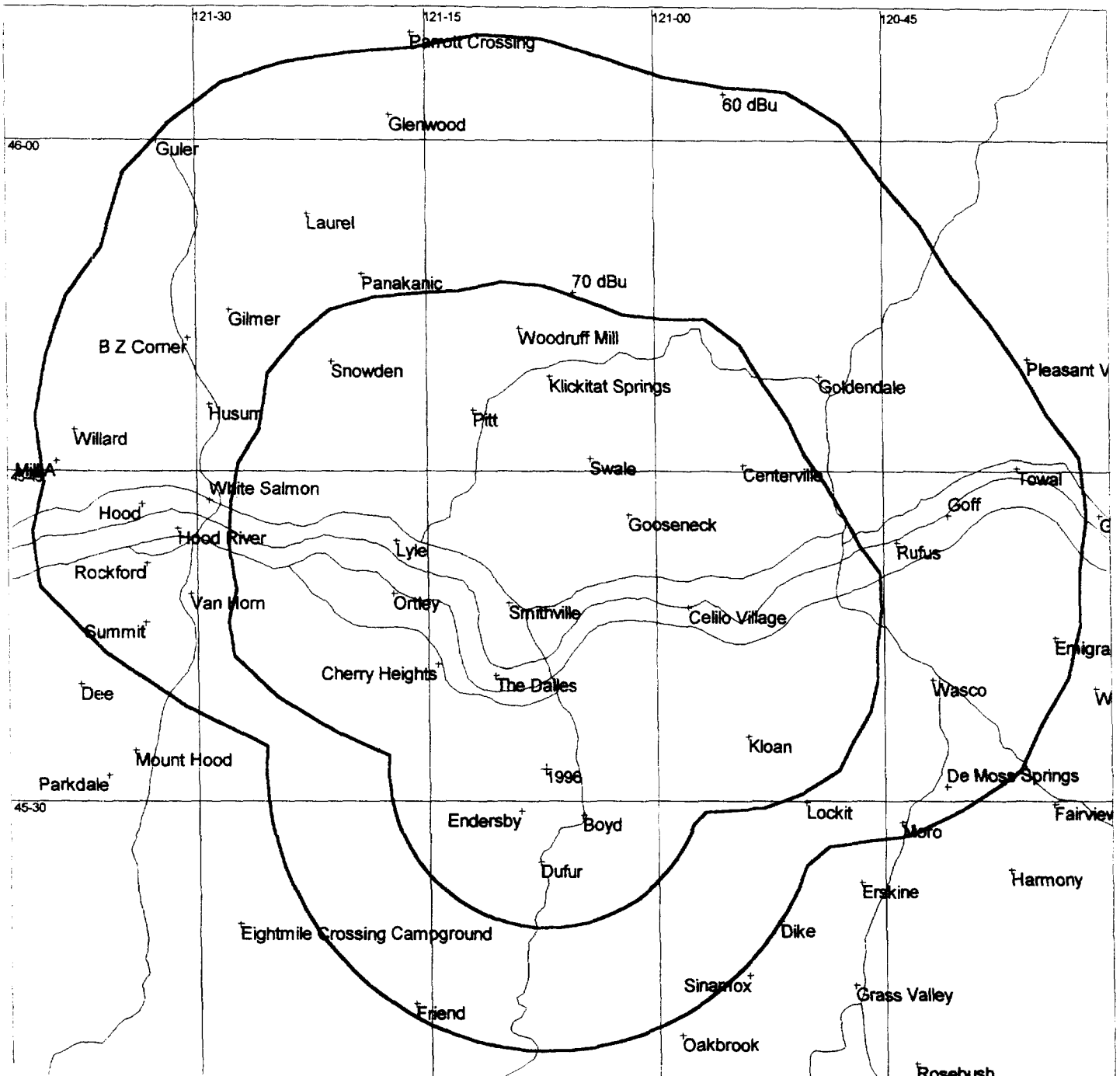
Communications Technologies, Inc. Marlton, NJ 08053 May 1998

Scale 1:480000

25 Km

— FM Service — Highways — State Borders - - Lat-Lon Grids

# FCC F(50,50) 70 and 60 dBu - CH 268C3 1996



**Figure 8**

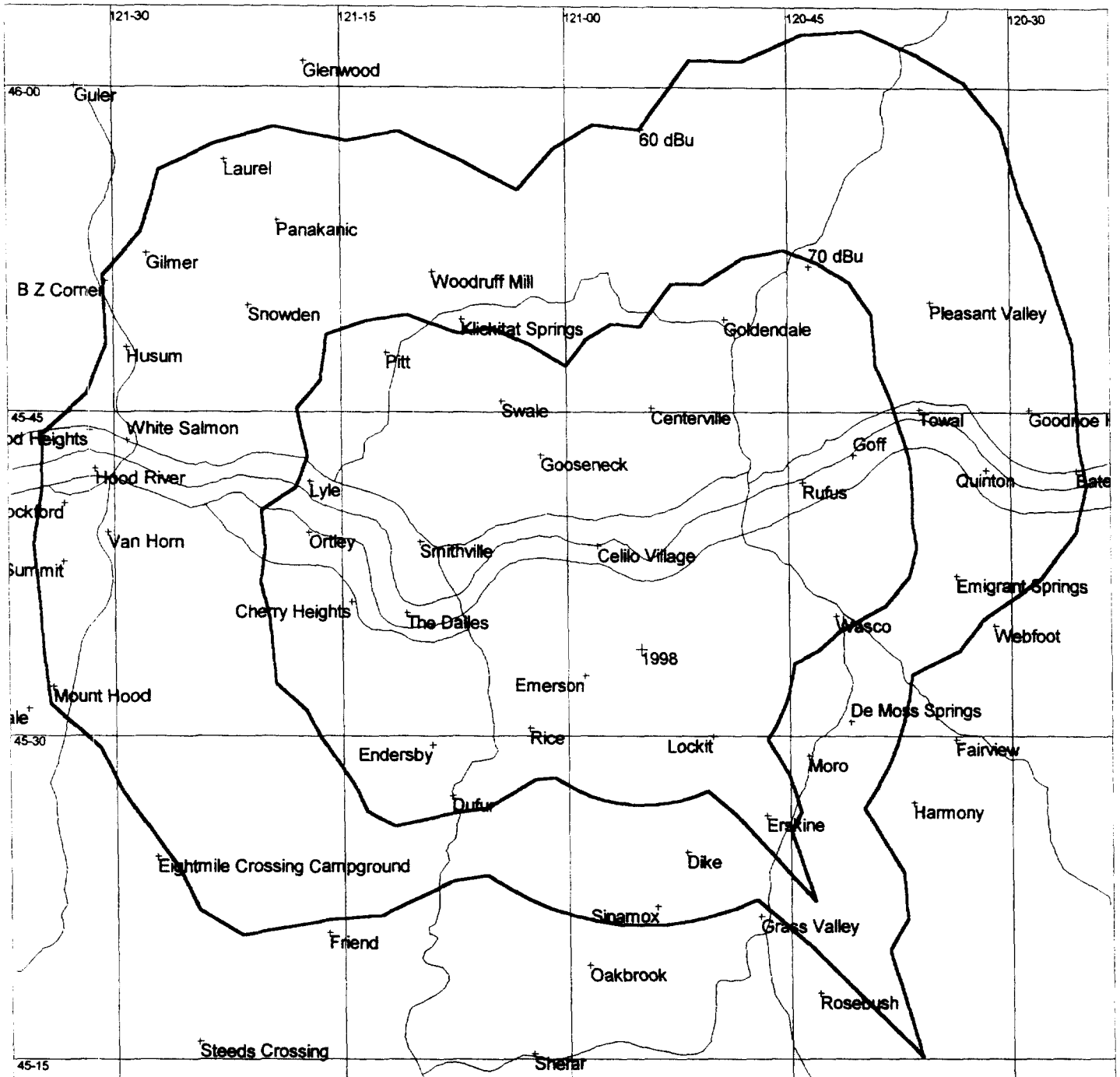
Communications Technologies, Inc. Marlon, NJ 08053 May 1998

Scale 1:490000

25 Km

— FM Service — Highways — State Borders - - Lat-Lon Grids

# FCC F(50,50) 70 and 60 dBu - CH 268C3 1998



**Figure 9**

Communications Technologies, Inc. Marlton, NJ 08053 May 1998

Scale 1:500000

25 Km

— FM Service — Highways — State Borders - - Lat-Lon Grids

## EXHIBIT I

## AREA AND POPULATION COMPARISON

BANKS AND REDMOND, OREGON

MM DOCKET NO. 96-7, RM-8732

AND

THE DALLES, OREGON

MM DOCKET NO. 96-12, RM 8741

JUNE 1996 [Corrected June 1998]\*

## ALTERNATIVE 1:

<u>Community</u>	<u>Facility</u>	<u>Area Sq. kM</u>	<u>Population Persons</u>
Banks, OR	Ch 298C2	8,486	1,518,676
	Ch 298C1	<u>16,394</u>	<u>1,749,998</u>
	gain	7,908 Sq. kM	<del>221,322 persons</del>
			231,322 persons*
Redmond, OR	Ch 298C2	8,263	92,420
	Ch 269C2	<u>8,263</u>	<u>92,420</u>
	gain	0 Sq. kM	0 persons
The Dalles, OR	Ch 268C3	5,167	49,084
	total gain	<u>13,075 Sq. kM</u>	<u>270,406 persons</u>

## ALTERNATIVE 2:

Corvallis, OR	Ch 268C2	8,410	438,351
	Ch 268C	<u>17,900</u>	<u>764,320</u>
	gain	9,490 Sq. kM	325,969 persons

Gain-ALTERNATIVE 1 vs. ALTERNATIVE 2      3,585 Sq. kM      (55,563) persons

# EXHIBIT I

~ 2 ~

## ALTERNATIVE 3:

<u>Community</u>	<u>Facility</u>	<u>Area Sq. kM</u>	<u>Population Persons</u>
Banks, OR	Ch 298C2	8,486	1,518,676
	Ch 298C1	<u>16,394</u>	<u>1,749,998</u>
	gain	7,908 Sq. kM	<del>221,322 persons</del> 231,322 persons*
Redmond, OR	Ch 298C2	8,263	92,420
	Ch 269C2	<u>8,263</u>	<u>92,420</u>
	gain	0 Sq. kM	0 persons
The Dalles, OR (Alternate Site)	Ch 268C3	5,390 Sq. kM	48,075 persons
Corvallis, OR	Ch 268C2	8,410	438,351
	Ch 268C1	<u>16,680</u>	<u>737,596</u>
	gain	8,270 Sq. kM	299,245 persons
	total gain	21,568 Sq. kM	<del>568,642 persons</del> 578,642 persons*

- Notes:
1. Population Data from 1990 U.S. Census and counted at the block level.
  2. Area data is total area within the 60 dBu contour. Water or area outside U.S. Corp. Boundary not deducted from total.



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EDWARD B. REDDY  
(1915-1990)

FACSIMILE NUMBER  
(202) 659-5711

May 14, 1998

Ms. Magalie Roman Salas, Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Re: Madgekal Broadcasting, Inc.  
Station KFLY(FM), Corvallis, Oregon  
Modification Application

Dear Ms. Salas:

Madgekal Broadcasting, Inc. ("MGI"), licensee of Station KFLY(FM), Corvallis, Oregon, herein submits in triplicate, via the Commission's lockbox bank, a "one-step" upgrade application for Station KFLY. Through this application Station KFLY seeks to modify its facilities and change from a Class C2 station to a Class C1 station.

MBI currently has pending a one-step upgrade application for full Class C facilities for Station KFLY (BPH-960206IE). That application became entangled in two FM allotment proceedings, MM Docket Nos. 96-7 and 96-12. In a Report and Order in those proceedings released April 3, 1998 and published in the Federal Register on April 21, 1998 (62 Fed. Reg. 19663), the Chief, Allocations Branch, Mass Media Bureau, treated MBI's application as a counterproposal, denied MBI's proposal and granting conflicting proposals. MBI intends to file a petition for reconsideration of the Report and Order.

Because final resolution of MM Docket Nos. 96-7 and 96-12 is expected to take a substantial amount of time and because MBI wishes to at least preserve the opportunity to upgrade from Class C2 to Class C1 status, this application is being submitted as an interim measure. This application does NOT amend BPH-960206IE. To the extent necessary, MBI requests waiver of Sections 73.3517 and 73.3518 of the Commission's Rules.

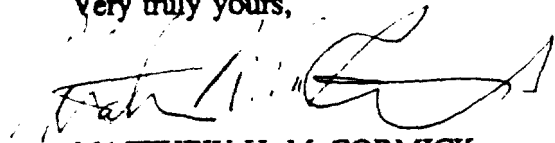
Acceptance and processing at this time of the application submitted herewith is appropriate. By processing and granting this application, the Commission will enable MBI to improve service to the public from KFLY without forcing MBI to relinquish its right to continue to seek grant of its application for Class C facilities.

Ms. Magalie Roman Salas, Secretary  
Page Two  
May 14, 1998

Also transmitted herewith is an FCC Form 159 and a check in the amount of \$690.00 in payment of the requisite filing fee.

Should any questions arise in connection with this matter, please communicate directly with this office.

Very truly yours,

A handwritten signature in black ink, appearing to read "Matt McCormick", written over a horizontal line.

MATTHEW H. McCORMICK  
Counsel for  
MADGEKAL BROADCASTING, INC.

MHM/jmr

Enclosures

cc(w/enc.): Mr. James Crutchfield (FCC)

### **CERTIFICATE OF SERVICE**

I, Dolly M. LaFuenta, do hereby certify that on this 30th day of June, 1998, I have caused to be mailed, or hand-delivered, a copy of the foregoing "**Response to Petition for Reconsideration**" to the following:

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Policy and Rules Division  
Mass Media Bureau  
Federal Communications Commission  
2000 M Street, N.W., Room 554  
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Allocations Branch  
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Mass Media Bureau  
Federal Communications Commission  
2000 M Street, N.W., Room 542  
Washington, D.C. 20554

Ms. Leslie K. Shapiro\*  
Allocations Branch  
Policy and Rules Division  
Mass Media Bureau  
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**Dolly M. LaFuenta**

**\*BY HAND**